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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/826,345

04/19/2004

Jeyhan Karaoguz

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EXAMINER

DESIR, JEAN WICEL

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

06/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/826,345	<b>Applicant(s)</b> KARAOGUZ ET AL.	
	<b>Examiner</b> Jean W. Désir	<b>Art Unit</b> 2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5-9, 11, 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Duhault (US 6,456,334).

#### **Claim 1:**

Duhault discloses:

A channel selection canvas (see Figs. 1-4, the ABSTRACT, Fig. 11) for display on a video display device, comprising:

“a channel selection field for displaying a plurality of television channel video thumbnails”, see col. 3 lines 25-28, 34-36, col. 2 lines 40-43;

“a plurality of optional video selection fields for displaying ancillary video thumbnails”, see col. 3 lines 25-28, 36-38, col. 2 lines 40-43;

“and a header field for displaying general information”, see col. 2 line 28.

Claim 5 is disclosed, see col. 4 lines 52-55.

Claim 6 is disclosed, see col. 1 line 30.

Claim 7 is disclosed, see col. 2 line 17.

Claims 8, 9 are disclosed, see col. 2 lines 24-26.

Claim 11 is disclosed, see col. 3 lines 10-40.

**Claim 18:**

Duhault discloses:

A channel selection canvas generator (see Figs. 11, 1-4), comprising:

“a video selection engine for selecting video streams to be displayed on a channel selection canvas”, see col. 3 lines 42-48, the ABSTRACT lines 1-13;

“a video integration engine for integrating the display of video streams selected by said video selection engine”, see Fig. 11 items 1110, 1126, Figs. 1-4;

“a user formatting engine for providing instructions to obtain user formatting information”, see col. 6 lines 25-62, col. 3 lines 42-48, col. 4 lines 24-25;

“a composite engine for receiving inputs from said video integration engine and user formatting engine to create a channel selection canvas”, see Fig. 11 items 1110, 1126, Figs. 1-4;

“an interface engine for supporting interface to a video display device for displaying a channel selection canvas”, see Fig. 11 items 1126, 1160, 1161;

“and an administrative engine for storing user preferences and controlling the overall operation of the channel selection canvas generator”, see Fig. 11 items 1110, 1112, 1114, 1126.

Claims 19, 20 are disclosed, see col. 2 lines 23-26, col. 8 lines 1-5.

**Claim 21** is rejected for the same reasons as claim 18.

Claim 22 is rejected for the same reasons as claim 20.

Claim 23 is disclosed, see col. 3 lines 6-9.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4, 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duhault (US 6,456,334).

Claims 2-4:

Duhault does not explicitly teach that his channel selection canvas further comprises news stream field, video phone field and/or advertising field as claimed in claims 2-4. However, Duhault teaches that his disclosure can have a **varying number of video images and other types of video images** programming can be monitored (as evidence see col. 6 lines 44-45, col. 4 lines 37-38); through these teachings of Duhault, an artisan would have advantageously recognized that Duhault's disclosure could be modified to include varying fields for other types of video like sports, news, video phones, video advertisements, etc.; and thus, providing a versatile channel selection canvas. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claims 15, 16 are disclosed because of the above modification through the teachings of Duhault.

5. Claims 10, 12-14, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duhault (US 6,456,334) in view of the Background of the instant application.

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Claims 10, 12:

Duhault does not explicitly teach that the selection field displays and/or identifies channel number, network, show name and/or user name as claimed in claims 10, 12. However, the structure of the claimed invention is a notoriously well known technique in the art (as evidence see Background of the instant application at paragraph [002], paragraph [003] lines 5-6), specifically in the field of video programming where many channels and sources are involved. An artisan, for purpose of identification, would be motivated to modify Duhault and implement this existing technique in order to arrive at the claimed invention. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claims 13, 14, 17 are disclosed, see Background of the instant application at paragraph [005] line 6, paragraph [002] line 5.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (571) 272 7344. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272 7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JWD**

**Jun. 10, 07**

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal line extending to the right.

DAVID OMETZ  
SUPERVISORY PATENT EXAMINER